

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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BRUCE ERIC WILLIAMS,

Plaintiff,

v.

Doctor ROMANA and  
Nurse SWANSON,

Defendants.

ORDER

09-cv-280-slc

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Plaintiff Bruce Williams has sued defendants Doctor Romana and Nurse Swanson on claims that they failed to provide adequate medical treatment for plaintiff's throat problems in violation of the Eighth Amendment. Defendant Romana has moved for summary judgment. Plaintiff has filed a document titled "Response to Summary Judgment," but this submission does not comply with this court's summary judgment procedures.

It is perhaps understandable that plaintiff submitted noncompliant materials because it appears that he mistakenly concluded that he is represented by Attorney Timothy Yanacheck. This is incorrect. Attorney Yanacheck inadvertently signed a consent form over the label "attorney for plaintiff," but he is actually the attorney for defendant Romana. This mistake was pointed out to plaintiff in earlier correspondence with the court, but not before he filed his response to defendant Romana's motion for summary judgment. Therefore I will give him another chance to file a materials in opposition to the motion for summary judgment.

Plaintiff's response must comply with this court's *Procedure to be Followed on Motions for Summary Judgment* which was attached to the pretrial conference order, dkt. 23. As explained in the procedures, a party opposing summary judgment must file a brief with opposing legal arguments, a response to the movant's proposed findings of fact and

evidentiary materials to support the factual propositions. *Procedure*, II.A.1-3. If the opposing party wishes to dispute a proposed fact, he must state his version of the fact and refer to evidence that supports that version. *Procedure*, II.D.2. Based on his earlier submission, it appears that plaintiff relies on his own first-hand knowledge of events to support his arguments. Plaintiff should be aware that in order to properly rely on his own knowledge of events, he must submit an affidavit detailing these events, signed under penalty of perjury.

ORDER

IT IS ORDERED that plaintiff has until December 28, 2009 to file his materials in opposition to defendant Romana's motion for summary judgment. Defendant Romana will have until January 8 to file a reply.

Entered this 2<sup>nd</sup> day of December, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge